

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

STACY HOLK,	:	CIVIL ACTION NO. 07-3018 (MLC)
	:	
Plaintiff,	:	<b>O R D E R</b>
	:	
v.	:	
	:	
SNAPPLE BEVERAGE CORPORATION,	:	
	:	
Defendant.	:	
_____	:	

**THIS COURT** stayed and administratively terminated this action pending a determination by the United States Food & Drug Administration ("FDA") of a certain issue referred to it. (See dkt. entry no. 138, 9-9-10 Order.) The FDA in response has declined to address that issue ("FDA Response"), and thus the parties herein jointly move to reopen this action and to reinstate several separate motions that had been pending previously ("Previous Motions"). (See dkt. entry no. 139, Notice of Def.'s Unopposed Mot. to Reopen Case & Reinstate Motions; dkt. entry no. 140, Mem. in Supp., Ex. 1, 9-16-10 FDA Letter.) Another district court Judge, who is assigned to an action in the District of New Jersey raising matters similar to those raised here, has already extinguished a stay imposed in that action in view of the FDA Response. (See Mem. in Supp., Ex. 1, 9-23-10 Order Lifting Stay in Coyle v. Hornell Brewing Co., D.N.J. No. 08-2797 (JBS).) This Court, in view of the FDA Response, intends to grant the part of the motion seeking to reopen this action.

**BUT THIS COURT,** for administrative reasons, intends to deny the part of the motion seeking to simply reinstate the Previous Motions, as the papers for the Previous Motions were initially filed between April 2010 and May 2010. This Court has the inherent power to control the docket. See Landis v. N. Am. Co., 299 U.S. 248, 254 (1936); Rolo v. Gen. Dev. Corp., 949 F.2d 695, 702 (3d Cir. 1991). This Court will require the parties to move again, upon new notices of motion and in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules, for any relief sought in the Previous Motions. The Clerk of the Court will then set new and proper return dates. The parties, upon filing new notices of motion, may either affirm that they rely upon the papers already filed in support of the Previous Motions, or submit new or supplemental papers in support. Furthermore, this Court will order the parties to contact the Chambers of the Magistrate Judge immediately to schedule a status conference. For good cause appearing:

**IT IS THEREFORE** on this 14th day of October, 2010, **ORDERED** that the motion to reopen the action and to reinstate several separate motions that had been pending previously (dkt. entry no. 139) is **GRANTED IN PART** and **DENIED WITHOUT PREJUDICE IN PART** as follows:

**GRANTED TO THE EXTENT** that the motion seeks to reopen the action, and

**DENIED WITHOUT PREJUDICE TO THE EXTENT** that the motion seeks to reinstate several separate motions that had been pending previously; and

**IT IS FURTHER ORDERED** that the stay issued herein is extinguished, and the Clerk of the Court will designate this action as **REOPENED**; and

**IT IS FURTHER ORDERED** that the parties are **GRANTED LEAVE** to move again, upon new notices of motion and in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules, for any relief sought in the separate motions that had been pending previously; and

**IT IS FURTHER ORDERED** that the parties will contact the Chambers of the Magistrate Judge immediately to schedule a status conference.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge